

2005 DRAFTING REQUEST

Bill

Received: **11/11/2004**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 7-7980**

By/Representing: **Blaine**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies: **PG**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**

Pre Topic:

DOA:.....Blaine, BB0242 -

Topic:

MA supplemental payments for school-based services

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 11/21/2004	jdyer 11/22/2004		_____			S&L
/1			rschluet 11/22/2004	_____	Inorthro 11/22/2004		

LRB-0747

11/22/2004 10:42:49 AM

Page 2

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: **11/11/2004**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 7-7980**

By/Representing: **Blaine**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies: **PG**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**

Pre Topic:

DOA:.....Blaine, BB0242 -

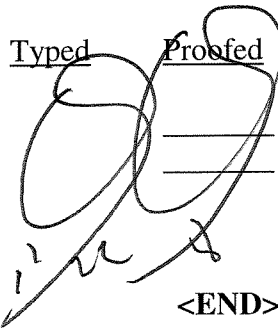
Topic:

MA supplemental payments for school-based services

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy	1 11/22 jld					

FE Sent For:

<END>

2003-05 Budget Bill Statutory Language Drafting Request

- Topic: Medicaid Supplemental Payments for School-based Services
- Tracking Code: (Assigned by Government Operations Team)
- SBO team: Health and Insurance
- SBO analyst: Robert Blaine
 - Phone: 267-7980
 - Email: robert.blaine@doa.state.wi.us
- Agency acronym: DHFS / DPI
- Agency number: 435 / 255

BB0242

The purpose of this draft is to eliminate the language under s. 20.255 (2)(b) requiring the Department of Public Instruction lapse amounts from this appropriation equal to supplemental payments made by the Medical Assistance program. Specific language to delete:

20.255 (2) (b) *Aids for special education and school age parents programs.* The amounts in the schedule for the payment of aids for special education and school age parents programs under ss. 115.88, 115.93 and 118.255. ~~On dates determined by the secretary of administration, amounts equal to the amounts paid by the department of health and family services under s. 49.45 (39) (b) 1m. shall lapse from this appropriation account to the general fund.~~

The draft should also eliminate the language under s. 49.45(39)(b) 1m. which authorizes these supplemental payments.

~~49.45 (39) (b) 1m. 'Supplementary payment for school medical services.' In addition to the reimbursement the department provides under subd. 1. to a school district or cooperative educational service agency for school medical services, the department may make supplementary payments from the appropriation accounts under s. 20.435 (4) (b) and (c). The total of the supplementary payments and allowable charges paid under subd. 1. may not exceed applicable limitations on payments under 42 USC 1396a (a) (30) (A).~~



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-074771

DAK:.....

SOON

JLD

DOA:.....Blaine, BB0242 - MA supplemental payments for school-based services

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1

don't gen ✓
AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

✓ HEALTH AND HUMAN SERVICES

✓ MEDICAL ASSISTANCE
percent

Under current law, DHFS reimburses school districts, cooperative educational service agencies (CESAs), or DPI 60% of the amount that the state receives as federal Medicaid reimbursement for health care services that school districts, CESAs, or DPI provide in schools to pupils who are eligible for MA. DHFS may make supplemental MA payments for these services if the total of the reimbursement and the supplements does not exceed federal Medicaid payment limitations. The amounts of any supplemental MA payments made by DHFS must be decreased from the DPI general purpose revenues appropriation account for payment to counties, CESAs, and school districts for special education services and must be lapsed to the general fund.

This bill eliminates the authority for DHFS to make supplemental MA payments for school-based services provided to pupils who are eligible for MA and eliminates the requirement that the amounts of these supplements be lapsed to the general fund from DPI's general purpose revenues appropriation for special education.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

the medical assistance program

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.255 (2) (b) [✓] of the statutes is amended to read:

2 20.255 (2) (b) *Aids for special education and school age parents programs.* The
3 amounts in the schedule for the payment of aids for special education and school age
4 parents programs under ss. 115.88, 115.93 and 118.255. ~~On dates determined by the~~
5 ~~secretary of administration, amounts equal to the amounts paid by the department~~
6 ~~of health and family services under s. 49.45 (39) (b) 1m. [✓] shall lapse from this~~
7 ~~appropriation account to the general fund.~~

History: 1971 c. 42, 56, 125; 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1971 c. 211 ss. 24, 126; 1971 c. 215; 1973 c. 89 s. 20 (2); 1973 c. 90, 190, 243, 300, 307, 333, 336; 1975 c. 39 ss. 97 to 109, 732 (1); 1975 c. 105, 220, 224, 395; 1977 c. 26 s. 75; 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 418 ss. 88m to 90, 929 (55); 1979 c. 34 ss. 164 to 191, 2102 (43) (a); 1979 c. 221 ss. 96e to 97w, 2200 (43); 1979 c. 331; 1979 c. 346 ss. 9, 15; 1981 c. 20, 86, 169; 1981 c. 314 s. 146; 1983 a. 22 s. 6; 1983 a. 27 ss. 158 to 212, 2200 (42), 2202 (42); 1983 a. 192; 1983 a. 333 s. 6; 1983 a. 370; 1985 a. 29, 56, 75, 120; 1987 a. 27, 339, 399; 1989 a. 31, 56, 114, 122, 269, 299, 309, 336, 359; 1991 a. 32, 39, 196, 269; 1993 a. 16, 168, 367, 377, 437, 454, 458, 490, 491; 1995 a. 27 ss. 563, 567 to 599, 622, 623, 9145 (1); 1995 a. 49, 227; 1997 a. 27, 113, 164, 237, 252; 1999 a. 9, 185; 2001 a. 16, 57, 105, 109; 2003 a. 33.

8 **SECTION 2.** 49.45 (39) (b) 1. [✓] of the statutes is amended to read:

9 49.45 (39) (b) 1. 'Payment for school medical services.' If a school district or a
10 cooperative educational service agency elects to provide school medical services and
11 meets all requirements under par. (c), the department shall reimburse the school
12 district or the cooperative educational service agency for 60% of the federal share of
13 allowable charges for the school medical services that it provides and, as specified
14 in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind
15 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
16 and Hard of Hearing elects to provide school medical services and meets all
17 requirements under par. (c), the department shall reimburse the department of
18 public instruction for 60% of the federal share of allowable charges for the school
19 medical services that the Wisconsin Center for the Blind and Visually Impaired or
20 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing

1 provides and, as specified in subd. 2., for allowable administrative costs. A school
2 district, cooperative educational service agency, the Wisconsin Center for the Blind
3 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
4 and Hard of Hearing may submit, and the department shall allow, claims for common
5 carrier transportation costs as a school medical service unless the department
6 receives notice from the federal health care financing administration that, under a
7 change in federal policy, the claims are not allowed. If the department receives the
8 notice, a school district, cooperative educational service agency, the Wisconsin
9 Center for the Blind and Visually Impaired, or the Wisconsin Educational Services
10 Program for the Deaf and Hard of Hearing may submit, and the department shall
11 allow, unreimbursed claims for common carrier transportation costs incurred before
12 the date of the change in federal policy. The department shall promulgate rules
13 establishing a methodology for making reimbursements under this paragraph.
14 ~~Except as provided in subd. 1m.,~~ [✓] All other expenses for the school medical services
15 provided by a school district or a cooperative educational service agency shall be paid
16 for by the school district or the cooperative educational service agency with funds
17 received from state or local taxes. The school district, the Wisconsin Center for the
18 Blind and Visually Impaired, the Wisconsin Educational Services Program for the
19 Deaf and Hard of Hearing, or the cooperative educational service agency shall
20 comply with all requirements of the federal department of health and human
21 services for receiving federal financial participation.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321.

22 **SECTION 3.** 49.45 (39) (b) 1m. [✓] of the statutes is repealed.

23 **SECTION 4.** 49.45 (39) (b) 2. [✓] of the statutes is amended to read:

49.45 (39) (b) 2. 'Payment for school medical services administrative costs.' The department shall reimburse a school district or a cooperative educational service agency specified under ~~subds.~~ subd. 1. ~~and 1m.~~ and shall reimburse the department of public instruction on behalf of the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing for 90% of the federal share of allowable administrative costs, using time studies, beginning in fiscal year 1999-2000. A school district or a cooperative educational service agency may submit, and the department of health and family services shall allow, claims for administrative costs incurred during the period that is up to 24 months before the date of the claim, if allowable under federal law.

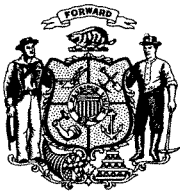
History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 253; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321.

SECTION 5. 115.882 of the statutes is amended to read:

115.882 Payment of state aid. Funds appropriated under s. 20.255 (2) (b) shall be used first for the purpose of s. 115.88 (4). Costs eligible for reimbursement from the appropriation under s. 20.255 (2) (b) under ss. 115.88 (1m) to (3), (6) and (8), 115.93, and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount appropriated for reimbursement for the costs, ~~less the amount paid by the department of health and family services under s. 20.435 (4) (b) and (c) under s. 49.45 (39) (b) 1m.~~, not to exceed 100%.

History: 1997 a. 164; 1999 a. 9; 2001 a. 104; 2003 a. 33.

(END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0747/1

DAK:jld:rs

DOA:.....Blaine, BB0242 - MA supplemental payments for school-based services

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, DHFS reimburses school districts, cooperative educational service agencies (CESAs), or DPI 60 percent of the amount that the state receives as federal Medicaid reimbursement for health care services that school districts, CESAs, or DPI provide in schools to pupils who are eligible for the Medical Assistance (MA) program. DHFS may make supplemental MA payments for these services if the total of the reimbursement and the supplements does not exceed federal Medicaid payment limitations. The amounts of any supplemental MA payments made by DHFS must be decreased from the DPI general purpose revenues appropriation account for payment to counties, CESAs, and school districts for special education services and must be lapsed to the general fund.

This bill eliminates the authority for DHFS to make supplemental MA payments for school-based services provided to pupils who are eligible for MA and eliminates the requirement that the amounts of these supplements be lapsed to the general fund from DPI's general purpose revenues appropriation for special education.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.255 (2) (b) of the statutes is amended to read:

2 20.255 (2) (b) *Aids for special education and school age parents programs.* The
3 amounts in the schedule for the payment of aids for special education and school age
4 parents programs under ss. 115.88, 115.93 and 118.255. ~~On dates determined by the~~
5 ~~secretary of administration, amounts equal to the amounts paid by the department~~
6 ~~of health and family services under s. 49.45 (39) (b) 1m. shall lapse from this~~
7 ~~appropriation account to the general fund.~~

8 **SECTION 2.** 49.45 (39) (b) 1. of the statutes is amended to read:

9 49.45 (39) (b) 1. ‘Payment for school medical services.’ If a school district or a
10 cooperative educational service agency elects to provide school medical services and
11 meets all requirements under par. (c), the department shall reimburse the school
12 district or the cooperative educational service agency for 60% of the federal share of
13 allowable charges for the school medical services that it provides and, as specified
14 in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind
15 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
16 and Hard of Hearing elects to provide school medical services and meets all
17 requirements under par. (c), the department shall reimburse the department of
18 public instruction for 60% of the federal share of allowable charges for the school
19 medical services that the Wisconsin Center for the Blind and Visually Impaired or
20 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing
21 provides and, as specified in subd. 2., for allowable administrative costs. A school

1 district, cooperative educational service agency, the Wisconsin Center for the Blind
2 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
3 and Hard of Hearing may submit, and the department shall allow, claims for common
4 carrier transportation costs as a school medical service unless the department
5 receives notice from the federal health care financing administration that, under a
6 change in federal policy, the claims are not allowed. If the department receives the
7 notice, a school district, cooperative educational service agency, the Wisconsin
8 Center for the Blind and Visually Impaired, or the Wisconsin Educational Services
9 Program for the Deaf and Hard of Hearing may submit, and the department shall
10 allow, unreimbursed claims for common carrier transportation costs incurred before
11 the date of the change in federal policy. The department shall promulgate rules
12 establishing a methodology for making reimbursements under this paragraph.
13 ~~Except as provided in subd. 1m., all~~ All other expenses for the school medical services
14 provided by a school district or a cooperative educational service agency shall be paid
15 for by the school district or the cooperative educational service agency with funds
16 received from state or local taxes. The school district, the Wisconsin Center for the
17 Blind and Visually Impaired, the Wisconsin Educational Services Program for the
18 Deaf and Hard of Hearing, or the cooperative educational service agency shall
19 comply with all requirements of the federal department of health and human
20 services for receiving federal financial participation.

21 **SECTION 3.** 49.45 (39) (b) 1m. of the statutes is repealed.

22 **SECTION 4.** 49.45 (39) (b) 2. of the statutes is amended to read:

23 49.45 (39) (b) 2. 'Payment for school medical services administrative costs.' The
24 department shall reimburse a school district or a cooperative educational service
25 agency specified under ~~subds. subd. 1. and 1m.~~ subd. 1. and shall reimburse the department

1 of public instruction on behalf of the Wisconsin Center for the Blind and Visually
2 Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of
3 Hearing for 90% of the federal share of allowable administrative costs, using time
4 studies, beginning in fiscal year 1999–2000. A school district or a cooperative
5 educational service agency may submit, and the department of health and family
6 services shall allow, claims for administrative costs incurred during the period that
7 is up to 24 months before the date of the claim, if allowable under federal law.

8 **SECTION 5.** 115.882 of the statutes is amended to read:

9 **115.882 Payment of state aid.** Funds appropriated under s. 20.255 (2) (b)
10 shall be used first for the purpose of s. 115.88 (4). Costs eligible for reimbursement
11 from the appropriation under s. 20.255 (2) (b) under ss. 115.88 (1m) to (3), (6) and (8),
12 115.93, and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount
13 appropriated for reimbursement for the costs, ~~less the amount paid by the~~
14 ~~department of health and family services under s. 20.435 (4) (b) and (o) under s. 49.45~~
15 ~~(39) (b) 1m.,~~ not to exceed 100%.

16 (END)